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SUMMARY RECORD OF THE 23rd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 15 February 1994, at 10 a.m.

Chairman: Mr. van WULFFTEN PALTHE (Netherlands)

CONTENTS

Measures to improve the situation and ensure the human rights and dignity of all migrant workers (continued)

Rights of persons belonging to national or ethnic, religious and linguistic minorities (continued)

Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (continued)

Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-fifth session

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The meeting was called to order at 10.20 a.m.

MEASURES TO IMPROVE THE SITUATION AND ENSURE THE HUMAN RIGHTS AND DIGNITY OF ALL MIGRANT WORKERS (agenda item 13) (continued) (E/CN.4/1994/62*)

RIGHTS OF PERSONS BELONGING TO NATIONAL OR ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES (agenda item 18) (continued) (E/CN.4/1994/72 and Corr.1 and 2, 92, and 107; E/CN.4/1994/NGO/20 and 30; E/CN.4/Sub.2/1993/34 and Add. 1-4; A/48/509 and Add.1)

IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF (agenda item 20) (continued) (E/CN.4/1994/79, 80 and 105; E/CN.4/1993/62; E/CN.4/1994/NGO/10)

1. Ms. CORPUZ-BROCK (Third World Movement Against the Exploitation of Women) said that the majority of third-world workers seeking employment abroad were women. Female migrant workers were often exposed to violence and other abuses; in addition, they faced various forms of sexism in their own countries and in the countries in which they sought work.

2. In host countries from Europe to Asia, anti-immigrant and racist sentiments had recently led to the enactment of stricter laws regarding migrant workers. Deportation without recourse was growing more common. Provisions for immediate deportation had been introduced in Italy. Greece had closed off channels for the legal recruitment of workers from Asia, Africa and Central America and had made its arrest and deportation procedures more stringent. Germany had made its laws pertaining to asylum seekers more restrictive, thereby affecting their possibilities of obtaining work. Malaysia, too, had restrictive policies concerning immigrants; for example, non-citizens in Malaysia could be detained for two weeks without trial and without an appearance before the court. The Government of Hong Kong was also seeking tighter regulations and expanded deportation powers.

3. Poverty and unemployment in the Philippines had compelled many Filipinos to seek work abroad. The Government encouraged that trend, since it used those workers' remittances to pay off its foreign debt and finance its budget. Overseas contract workers were subject to many violations of their human rights in the host countries, including racial discrimination, sexual abuse, substandard working conditions and murder.

4. Although the Government of the Philippines had signed the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and had expressed its concern at the plight of migrant workers, it had not yet established any preventive system or comprehensive welfare system. Its labour exportation programme contained highly inadequate protection clauses and its system of repatriation was poor. The Government had stated that it did not have the funds to respond adequately to the needs of overseas contract workers although those workers were bringing US$ 2 billion per annum into the Philippines and larger amounts were entering through informal channels.

5. Female migrant workers continued to face physical abuse, contract substitution, underpayment of salaries and forced overtime. In one case, a

Filipino woman had been held prisoner in a Dutch brothel; in another, a Filipino woman working in a Japanese entertainment establishment had been brutally murdered. In parts of Asia, teenage Filipino and Thai women were sold by recruiters to brothel owners. When such cases were investigated, authorities often arrested the women for prostitution and failed to deal with those who had violated the women's rights.

6. She shared the concerns expressed by the representative of Centre Europe - Tiers Monde at the Commission's 20th meeting. Certain members of the diplomatic community were violating the human rights of migrant workers. For example, a Filipina domestic worker, employed by a member of the diplomatic community in Geneva, was working 16 hours a day for SwF 600 per month, with no medical insurance. Employers with diplomatic privileges were exploiting the vulnerability of foreign workers and forcing them to give up their rights. In those circumstances, it was difficult to see how the same diplomats could be relied upon to endorse measures to protect the rights of migrant workers.

7. A number of factors were responsible for the lack of safeguards for migrant workers. Many host countries failed to implement the laws protecting the rights of such workers. Support and welfare services from the country of origin were very often inadequate. The workers themselves were often unaware of their rights in the host country.

8. According to studies by the International Organization for Migration (IOM), the International Labour Organisation (ILO) and the United Nations High Commissioner for Refugees (UNHCR), most migration was not voluntary but was caused by adverse conditions in the home country. Moreover, Governments sometimes encouraged migration as a means of achieving economic survival.

9. The pattern of migration was changing in eastern and South-East Asia, where labour shortages were forcing countries to welcome increasing numbers of migrant workers. It was high time that those countries established the legal and social infrastructures needed to protect those workers, whose contribution to the national welfare should be frankly acknowledged.

10. It was time, too, for all States which had not yet done so to sign or ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Progress on that front was disappointingly slow. The United Nations should increase its efforts to publicize and promote the Convention so that more States would ratify it. In fact, it was difficult to obtain any information on the Convention from United Nations sources.

11. Having adopted General Assembly resolutions 48/110 and 48/148 by consensus, the international community had pledged itself to address the issue of violence against female migrant workers and to promote the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. It must honour that pledge.

12. She endorsed the proposal to appoint a special rapporteur on violence against women, whose mandate should include special attention to the rights of migrant women and the issue of violence and sexual abuse.

13. Ms. FAUCHERE (World Confederation of Labour) said that, while there were more than 70 million people living or working in foreign countries and approximately 20 million refugees who had fled their home countries, they still accounted for only 4 per cent of the world's population. Emigration was one of the most visible signs of social and economic failure; of a country's inability to achieve sustainable development, provide adequate employment and lodging, protect the environment, or meet the legitimate demands of its citizens.

14. Many Western countries were enacting more restrictive immigrant legislation and some were even aiming at zero immigration. However, those countries still had plenty of difficult, dangerous and undesirable jobs that only immigrants would accept. Despite the high rates of unemployment in the European Community, certain jobs remained vacant and there was a continuing demand for non-qualified migrant labour in some economic sectors. Zero immigration thus appeared highly unlikely.

15. Migrant workers, whether clandestine or not, were unaware of their rights and accepted working conditions which other workers refused. Their jobs were precarious and they had to accept substandard housing and poor educational services. Their children faced enormous problems when they tried to enter the labour force, often ending up with the most undesirable and unstable jobs.

16. Traditional immigration policy was based on the erroneous notion that most migrant workers were male and that the migrant women were their dependents. In fact seven out of ten migrant women left home to find work rather than for family reasons. Doubly discriminated against as female and as immigrant, women migrants had more trouble than men in finding jobs and the jobs they were offered were low-paid, temporary and generally undesirable. Between one third and one half of female migrants ended up in domestic service. They were highly vulnerable to human rights violations, including rape and sexual harassment. Women working as domestics were often subjected to sexual blackmail, especially when they tried to obtain work permits or other papers.

17. In the light of reports of ill-treatment, some countries of origin had gradually reduced the number of foreign work permits granted to females. There had been no concerted efforts as yet at the international level but the Governments of countries of origin must pay attention to the mendacious advertisements of some recruitment agencies and take the necessary action to put a stop to them.

18. The ideal world would be one in which no one would be forced to emigrate to survive and where anyone could live and prosper in his or her own country. In such a world, migration would be a free personal choice. That was a long distance ahead but a first step in that direction was the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and of ILO Conventions Nos. 97 and 143.

19. Ms. BARKA (World Movement of Mothers) said that she wished to draw the Commission's attention to the persistence of discrimination against women and in particular against mothers. In certain regions, perhaps owing to a misunderstanding of religious beliefs or to long-standing traditions, female

children were subjected to cruel mutilations which often had adverse, and sometimes, irreversible effects on their health and sexual life.

20. The inequality that existed between mothers who worked outside the home and those who worked at home to ensure the comfort, health, education and stability of the family was unjust and discriminatory. The Commission should address that situation.

21. Mr. FERNANDEZ (International Organization for the Development of Freedom of Education), speaking also on behalf of World University Service, said that he fully endorsed the Commission's assertion, in its resolution 1993/25, that it was desirable to enhance the promotional and public information activities of the United Nations in matters relating to freedom of religion and belief. Elimination of religious discrimination and intolerance required the promotion and protection of the freedom of thought, conscience and religion. Repressive measures against intolerance might have the opposite effect and strengthen intolerance and hate.

22. Prudence was needed because, as affirmed in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, religion or belief, for anyone who professed either, was one of the fundamental elements in his conception of life and must consequently be fully respected and guaranteed. Thus freedom of religion or belief was connected to the very core of human dignity. As also affirmed in the Declaration, freedom of religion and belief should contribute to the goals of world peace, social justice and friendship. The promotion of freedom was probably, therefore, the best way of preventing intolerance.

23. The Declaration set forth a series of principles for the protection and promotion of the freedoms of thought and religion in the domain of education, principles that were particularly appropriate to multicultural societies. It clearly affirmed the importance of pluralistic education and public authorities should thus respect the various religious beliefs within a society and establish appropriate educational systems. The limits to such pluralism were also set forth in the Declaration, which stated that practices of a religion or belief in which a child was brought up must not be injurious to his physical or mental health or to his full development.

24. Many States had endeavoured to integrate children from different cultures into a single one by providing them with identical educations. Such a system, which tried to efface differences, often ended up by highlighting them. Pluralistic education was the only type that genuinely promoted freedom of thought, conscience and religion and the integrationist educational policies currently practised in many European countries were in direct opposition to the letter and spirit of the Declaration.

25. The Declaration also asserted that the rights and freedoms that it set forth should be accorded in such a manner that everyone should be able to avail himself of such rights and freedoms in practice. Thus, all educational institutions, whether public or private, should be financed from the public taxes.

26. Mr. RUGEGE (World University Service), speaking also on behalf of the International Organization for the Development of Freedom of Education, said that in the Sudan, education was being used as a vehicle to advance the Government's Islamization campaign. The General Education Regulation Act of 1992 emphasized the supremacy of Islamic culture and made Islamic education and the Arabic language compulsory at all educational levels; it required that children be equipped with the values and morals of Islam and be helped to develop an Islamically-oriented personality.

27. The laws of the Sudan, based on the Shariah, discriminated against non-Muslims and against women. A substantial proportion of the country's population was denied the right to education because of their religious affiliation. The introduction of Arabic as the language of instruction denied proper education to children in the southern Sudan, where schools used English or the vernacular languages. As part of a policy to dismantle the educational system of the Christians and southerners, schools for displaced southerners in the State of Khartoum had been closed down in 1992 and the students had been transferred to school, where Arabic was the language of instruction.

28. The Sudanese Ministry of Education was currently carrying out a comprehensive revision of the school curriculum with a view to eliminating all non-Islamic elements. In future, all subjects would be taught only from the perspective of Islam. Students would be encouraged to follow the Islamic way of life. Female students had to abide by the Islamic dress code.

29. The Islamization of knowledge had resulted in the dismissal of dozens of university lecturers; the arrest, detention and even torture of members of the academic community; the siege of the University of Khartoum; censoring of the Khartoum University Press; and confiscation of books and publications.

30. Those were a few examples of religious intolerance in the Sudan, a country which was party to international instruments guaranteeing religious freedom.

31. Mrs. GLESZYNSKA (Christian Democratic International) said that violations of the freedoms of conscience and religion were particularly serious when they were made in the name of a so-called divine mandate or when the Powers committing such violations did so with the tolerance or even the endorsement of official representatives of religious bodies.

32. Every religion implied a concept of the Supreme Being and the recognition that the Divinity possessed all the most noble qualities. The Supreme Being was the creator of all that existed and thus of all human beings. It was difficult to see, therefore, how the common Father of mankind could give some of his children the task of persecuting, oppressing, torturing or murdering his other children. It was inconceivable that the source of all life could inspire, much less demand, the destruction of life and of goods.

33. The efforts of religious institutions as factors for peace had been highlighted by the meetings for peace convened by Pope John Paul II at Assisi, which had brought together leaders of all the world's major religions. The meeting to pray for Bosnia and Herzegovina in January 1993 had been particularly significant in that respect. Religion could be manipulated

to lead to war but it could also be a decisive factor in promoting peace, as had been proved in many places and by many outstanding personalities.

34. At a time when the world was witnessing the carnage in Bosnia and Herzegovina and entire populations were being decimated by hunger, poverty and wars in the Sudan, Angola, Nagorno-Karabakh, etc. her organization thought that the United Nations, should use its authority to launch a specific programme to mobilize the major religious movements in joint actions to promote peace, development, democracy and justice in the world. Such actions should not be confined to identifying and formulating conceptual agreements but should culminate in specific proposals concerning certain countries and situations, in multidenominational delegations to visit crisis areas and in support for the legitimate claims of individuals or groups whose religious rights had been affected.

35. As a political rather than a confessional force, her organization was continuing its widespread action of dialogue and collaboration with people and institutions of various philosophical and religious trends. Under the auspices of the European Union, it had promoted the recent conference on humanism and democracy for the twenty-first century, at which liberals, socialists, and Christian democrats had held intensive talks with Muslims, Jews, Buddhists and Christians.

36. Her delegation thus proposed that the Centre for Human Rights, in collaboration with UNESCO and other United Nations bodies, should prepare a calender of meetings, proposed specific action for interdenominational cooperation for peace, justice, democracy and development, and organize interdenominational missions to crisis areas and regions, particularly where the problems had religious connotations.

37. Mrs. SCHREIBER (International Movement against All Forms of Discrimination and Racism) said that, although her organization had applauded the adoption in December 1992 of the first human rights instrument devoted entirely to the rights of minorities, it had been disappointed that, after years of debate, the United Nations had produced a document that did little more than reaffirm the rights proclaimed in article 27 of the International Covenant on Civil and Political Rights and did not meet the real needs of minorities, which were subjected to economic, political and cultural discrimination virtually everywhere in the world. Furthermore, the Declaration did not provide for any implementation mechanism to ensure the realization of its objectives.

38. Those shortcomings had led the NGO forum at the World Conference on Human Rights to propose that the Commission should establish a working group to consider the issues requiring early action and prepare with governmental and non-governmental organizations a programme of information, education and effective anti-discrimination measures.

39. Minority rights were ignored or denied in various parts of the world, in which connection, she wished to draw attention to the plight of the Sinti and Roma of Germany and Central Europe. The Roma were in many ways a distinctive population - currently numbering about 7 million - that had formed part of certain European societies for over 600 years. They had experienced - and

continued to experience - serious challenges to the enjoyment of their basic rights and had suffered from numerous discriminatory practices supported by governmental authorities. In the past such practices had included enslavement, forced settlement, sterilization, mass deportation and extermination. More than 500,000 of them had been victims of the Nazi regime.

40. The Roma were currently in an extremely vulnerable position in the region's economic and political systems. The Zentralrat Deutscher Sinti und Roma was asking that the some 70,000 Sinti and Roma with German citizenship be recognized as a German ethnic group and as a national minority, with the protection granted to national minorities.

41. In Japan, serious discrimination still affected the Buraku people, the Ainus, Korean residents, migrant workers, women, illegitimate children, the disabled and HIV carriers. There were no laws that led effectively to the elimination of individual forms of discrimination and there was no institution that could provide an effective remedy for victims of human rights violations.

42. Definite measures were envisaged by the Government to improve the fate of minorities but the Buraku people, for instance, still suffered from discriminatory economic, social and cultural conditions. They had been victims of practices based on a caste system, which had been abolished but which lingered on in popular memory. One of the members of her delegation, a young lady of Buraku origin, remembered vividly what her father had told her of his sufferings from discrimination as a poor schoolboy.

43. On 18 December 1990, the General Assembly had adopted the International Convention on the Protection of the Rights of All Migrant Workers and Their Families and called upon all Member States to consider signing and ratifying or acceding to the Convention as a matter of priority. To date there had been only one ratification, one accession and three signatures.

44. In cooperation with the Churches Committee for Migrants in Europe her organization had held in 1993 a seminar on the use of international instruments to protect the rights of migrant and ethnic minorities. It intended to hold a similar seminar for participants of Central and Eastern Europe. It also intended to participate in an initiative to establish a "Migrants Watch" - a Migrants Rights Convention Watch Committee, membership of which would consist of persons from migrant and religious organizations and include legal experts and politicians.

45. Mr. FORSTER (International Work Group for Indigenous Affairs) said that his organization was very concerned at the imminent repatriation to Bangladesh from the Indian State of Tripura of some 56,000 Chakma people. After the first batch of 2,000 people had returned to their homes in the Chittagong Hill Tracts, the repatriation of the others was to follow. However, refugee leaders said that they had not agreed to any such arrangement, whatever the Governments of Bangladesh and Tripura might say. What had been agreed, they said, was that the first 400 families would return, an inspection would then be made of their conditions and only then would the bulk of the refugees take a decision. There was a problem in that the Chakma lands had been occupied by settlers from the plains.

46. Following a point of order raised by Mr. MOHAMMAD ALI (Bangladesh), the CHAIRMAN requested the representative of the International Work Group on Indigenous Affairs to confine his statement to the agenda item under consideration.

47. Mr. FORSTER (International Work Group for Indigenous Affairs), continuing his statement, said that India had promised not to repatriate the refugee families forcibly but pressure was apparently being used by the government of Tripura, including food rationing. Many children were reported to be undernourished and without access to educational facilities. His organization was particularly concerned that neither the Government of India nor the Bangladeshi Government - those two hostile and sometimes warring neighbours - had given UNHCR permission to observe the repatriation operation and it asked the Commission to urge the two Governments to give UNHCR the required permission.

48. His organization was also concerned at the recent expulsion of two Catholic priests and a lay brother from the Bougainville island of Buka by the armed forces of Papua New Guinea. Until that incident, freedom of religion had been one of the few human rights not deliberately violated by those forces. In addition, there had been collusion between the Government of the Solomon Islands and the Papua New Guinea Government to prevent Bishop John Zale of the United Church from attending the meetings of the Commission. Recalling that Sub-Commission resolution 1992/19 specifically called on Papua New Guinea to return freedom of movement to the people of Bougainville, he requested the Commission to urge both Papua New Guinea and the Solomon Islands to respect the right of all persons to leave and to enter their own country.

49. Ms. NUÑEZ de ESCORCIA (Commission for the Defence of Human Rights in Central America) said that Central America, with its 50 culturally differentiated ethnic communities and peoples, was the region with the greatest predominance of indigenous populations in the Continent. Nevertheless, those peoples had been traditionally excluded from decision-making and the Governments of the region had, to a greater or lesser extent, applied policies and practices that were against their interests, expropriating their land, exploiting their natural resources and preventing them from participating in national programmes.

50. In addition to the historical marginalization which those peoples had suffered, their situation was aggravated by a deterioration in their economic, social and cultural rights. Thus, Nicaragua, for example, was currently experiencing unprecedented impoverishment and the north and south Atlantic autonomous regions, in which some 181,000 Nicaraguans belonging to five different ethnic groups lived, had seen its production collapse with the result that poverty levels were the lowest in the country.

51. In Panama, the Kunas and Ngoble Bugle indigenous peoples were fighting for legal title to the territory in which they lived and had accused the Government of economic discrimination in that it was not allowing them access to the markets to sell their coconuts, their main agricultural product.

52. In Guatemala, discrimination affected the human rights of almost 7 million indigenous persons, or 70 per cent of the total population. The counter-insurgency policy adopted by the Guatemalan army since 1963 had resulted in the destruction of those peoples. Massacres, extrajudicial executions and disappearances had been part of the counter-insurgency plans. The military repression had led to the phenomenon of internally displaced persons, sometimes entire tribes. The indigenous peoples were denied the right to participate in decision-making and their marginalization was ensured by depressing socio-economic conditions. That painful reality was reflected in the report of the Independent Expert (E/CN.4/1994/10) which indicated the absence of any State policy to protect the rights of the indigenous peoples of Guatemala.

53. In view of the fact that the human rights situation in Guatemala continued to be extremely serious and the army played a fundamental role in the power structure of the State, her organization was of the opinion that the situation in that country should be considered under item 12 of the Commission's agenda.

54. Mr. IBARRA (International Indian Treaty Council) said that there had been a considerable increase in racist acts of aggression in recent years which had directly affected migrant workers, ethnic, religious or linguistic minorities and indigenous peoples. Genocide was undoubtedly the most hateful and contemptible of racist crimes and the General Assembly had thus adopted the Convention on the Prevention and Punishment of the Crime of Genocide to prevent and punish it. While the definition of that crime against humanity and the measures taken to prevent it were correctly indicated in the instrument, the problem was in how to apply it in practice so as to achieve the Convention's objective, i.e., to prevent and punish.

55. The second preambular paragraph of the Convention recognized that "at all periods of history genocide has inflicted great losses on humanity". He wondered how many such losses had been inflicted since the adoption of the Convention on 9 December 1948 and how many times the crime of genocide had been committed.

56. The provisions of the Convention had certainly not been applied as often as they should have been, particularly in cases where the victims were indigenous peoples; ethnic, religious or linguistic minorities, and other vulnerable groups. The control mechanism provided for in article IX was clearly insufficient and non-operative. The Convention should thus be partially revised with substantive amendment of article IX and the related articles, so as to enhance their effectiveness.

57. His organization thus appealed to the Commission to invite the Sub-Commission to prepare a draft resolution that would make it possible to establish, in the near future, an effective control mechanism for the Convention. The Commission should also request the Sub-Commission to recommend ways of preventing the crimes enumerated in the Convention from being committed with impunity.

58. Mr. BIN WAHAD (American Association of Jurists) said that, while some strides had been made in the treatment of national minorities, attacks on the

black minorities in industrialized countries were on the rise. The political and human rights of persons of African descent were being repressed by the United States Government and its legal systems even as it voiced support for the rule of law and democracy.

59. For black people in the United States, the rule of law meant racist police brutality and courts that favoured whites. The deliberate criminalization of the African American community by the Government-dominated media aggravated the reactionary forces of racism. It even seemed that, both in the United States and elsewhere, racial minorities were being blamed for their poverty, powerlessness and despair.

60. He himself had been imprisoned in 1971 under the political "neutralization" policy of the counter-intelligence programme known as COINTELPRO. That campaign of racist political repression had targeted the United States black community and, in particular, organizations such as the Black Panther Party, to which he had belonged. Prisoners included Russel Shoats, a Black Panther Leader, who had been held since 1972 and was subject to mental and psychological torture, and the New York Three, members of the Black Liberation Army imprisoned since 1971 despite evidence that they had been framed. Those political prisoners would rot in United States prisons until the international community demanded their release.

61. Proving that racist political imprisonment took place in a powerful country like the United States was a monumental task, but he had attached documentation to support his statement. Unfortunately, he was the only former Black Panther leader whose criminal conviction had been overturned, on the basis of the contents of secret COINTELPRO documents.

62. The United States continued to use its legal and intelligence apparatus to silence political dissent and the news media were still being manipulated by police agencies to portray African Americans as criminals and justify further police repression. The international human rights movement must condemn the continued imprisonment of black political activists and the transformation of the black minority communities into armed police camps. It should carry out a thorough investigation of the situations of black political prisoners and call upon the United States Government to release all political prisoners.

Statements in exercise of the right of reply

63. Mr. MOHAMMAD ALI (Bangladesh), said that a statement made earlier in the meeting by the representative of a non-governmental organization (NGO) had raised issues that did not fall under the agenda items being considered. Despite the allegations made by that NGO, refugees were not being repatriated to Bangladesh without their consent. In fact, his Government always consulted the refugees themselves before taking action on refugee issues. It had reached an agreement with the refugee leaders and the repatriation process was expected to begin immediately, a fact that had been announced in a press release by the President of the Refugee Welfare Association.

64. His Government had made all the necessary arrangements for receiving the refugees, who would be provided with adequate repatriation welfare packages in order to facilitate the resumption of normal life in their country.

65. He could not agree with the representative of the NGO in question that Bangladesh and India were hostile and, at times, warring neighbours. Bangladesh had long enjoyed friendly relations with India.

66. The representative of that NGO had also alleged that settlers from the plains had occupied lands owned by the Chakma. That was untrue. Not one square centimetre of land had been occupied and all nationals of Bangladesh, irrespective of their sex or ethnic origin, enjoyed equal rights, which were enshrined in the Constitution.

67. Ms. RODRIGUEZ de FANKHAUSER (Observer for Guatemala), said that some politically motivated allegations had been made by the representative of a non-governmental organization (NGO). Harking back to a past which the authorities were attempting to overcome through political means was both unjust and irresponsible. Her country's financial difficulties should not be confused with the absence of a plan to resolve the problems of a multi-ethnic and multilingual society. The President's plan reflected his profound concern over the situation and contained a social agenda which addressed the problems of education, health and Guatemala's unique culture. The Government was doing its utmost to put an end to violence and to promote a plan responsive to the needs of all groups in Guatemalan society.

68. Mr. SARNA (India), said he strongly endorsed the statement that India and Bangladesh were not hostile and warring neighbours. The two countries enjoyed friendly bilateral relations and cultural ties, and cooperated closely with each other.

69. Mr. AMOR (Special Rapporteur on the Question of Religious Intolerance), said that States should be allowed a reasonable period of time in which to respond to communications. It was unfair to reproach them for late replies if they were not given sufficient time in the first place.

70. Greater coordination among all the various special rapporteurs was needed and general rules that would be applicable to them all, with due regard for the particularities of their mandates and the complexities of internal procedures. Greater coordination of NGO reports would also enhance the relevance of their human rights activities. Methods of gathering and processing information should be reassessed with a view to increasing their effectiveness.

71. All those proposals would require the provision of increased human and material resources. As it stood, for lack of resources, allegations could not be forwarded to certain States or were forwarded very late even when the information had been received on time. The delay in transmitting the Baha'i allegations to the Iranian Government was a case in point.

72. Religious intolerance and discrimination were commonly manifested by religious groups which were not under the control of the State, a complex situation that called for greater vigilance and solidarity. Paragraph 5 of

Commission resolution 1993/25 called on States to take all appropriate measures to combat hatred and extremism but, in view of the transnational and transboundary character of extremism, greater international solidarity was equally important to attack the root causes of the phenomenon, particularly its economic and social causes. A more coordinated approach to the problem was needed, based on a set of common rules and principles for dealing with it.

73. The debate had highlighted the crucial role of education in promoting tolerance and non-discrimination. The function of education should be assessed through a survey of school curricula and textbooks. A basic strategy for the promotion of tolerance and non-discrimination should be elaborated with the participation of all parties concerned and the assistance of the specialized agencies. While certain situations demanded an urgent response, it was also important to consolidate effective, forward-looking approaches over time.

REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-FIFTH SESSION (agenda item 17) (E/CN.4/1994/2, 70 and 71 and Add.1; E/CN.4/Sub.2/1993/35 and 58 and Add.1)

74. Mr. AL-KHASAWNEH (Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities) said that he had been invited by resolution 1993/28 to report to the Commission on the progress made concerning a number of issues referred to in that resolution and on significant aspects of the Sub-Commission's work. His response to that invitation was contained in his written report (E/CN.4/1994/70).

75. Over the years, the question of the independence of the members of the Sub-Commission, referred to in the preamble and operative paragraphs 5 (b) and 9 of the Commission resolution had, perhaps, received more attention than it deserved, thus obscuring other points relating to the Sub-Commission's credibility and the effective discharge of its duties. The independence of experts was, of course, crucial, but it was a mistake to assume bad faith on the part of the nominating Governments. In any case, the problem had largely been resolved by the decision to vote by secret ballot on resolutions where the independence of experts might be compromised, such as proposals pertaining to allegations of violations of human rights in individual countries. He hoped, therefore, that, if the almost ritualistic call for strengthening the independence of the experts were repeated, it would be appropriately reworded so as not to convey an assumption of bad faith.

76. He also doubted the value of the programme of familiarization with the work of the Sub-Commission for new members and alternatives called for by the Commission resolution (para. 5 (e)), for there was no such thing as a crash course in "human rights made simple". Most members of the Sub-Commission found the idea distasteful and he hoped it would not be included in the resolution adopted by the Commission at its current session.

77. On the other hand, the Sub-Commission had paid careful attention to the Commission's suggestions on improving its work methods and appreciated the Commission's acknowledgement of the steps it had already taken in that direction. By its resolution 1993/4, it had decided to convene a sessional working group to continue the study of its methods of work, with particular

emphasis on the methods to be used and procedures to be followed under item 6 of its agenda as well as on the means to ensure the follow-up of recommendations and conclusions of studies undertaken under the auspices of the Sub-Commission.

78. He hoped that, when the sessional working group had completed it work, the requirements set forth in paragraphs 5 (d) and 6 of the Commission resolution would be met. The Sub-Commission's decision to study the question of the reform of the procedure governed by Economic and Social Council resolution 1503 (XLVIII), including its possible abolition, was an initial response to the concerns expressed by the Commission.

79. Paragraph 8 of the resolution, invited the Sub-Commission to continue to give due regard to new developments in the field of human rights. In that connection, he drew attention to the Sub-Commission's decision to change the title of its agenda item 5 (b) to "monitoring the transition to democracy in South Africa", which was more realistic. Another new development in the field of human rights was the increase in humanitarian activities and the resultant problems. That was an extremely sensitive issue but the Sub-Commission none the less felt duty-bound to include that item in its agenda. It had also adopted resolution 1993/38 on the question of the implications for human rights of United Nations actions, including the humanitarian assistance in addressing international humanitarian problems and in the promotion and protection of human rights.

80. Lastly, paragraph 10 of the Commission resolution requested the Secretary-General to continue to give strong support to the Sub-Commission and, in particular, to ensure that Sub-Commission documents were available in all languages in good time before the session. He regretted to report that there had been, and continued to be, a horrendous delay in that regard. For example, the French and Arabic versions of his report on population transfer, which he had submitted with some difficulty before the May 1993 deadline, had not been issued until November, three months after the close of the session. The perennial financial crisis of the Centre for Human Rights, the absence of many Secretariat members during the World Conference on Human Rights in Vienna and the large number of studies submitted to the forty-fifth session had been cited as reasons for the delay. Although he quite understood all those circumstances, the fact remained that there was a problem that directly affected the ability of the Sub-Commission to discharge of its mandate.

81. Closely akin thereto was the Secretariat's inability to provide the Sub-Commission's special rapporteurs with the funds needed to hire research assistants, even when the financial implications of a decision envisaged such expenses. Some rapporteurs had paid for such research out of their own pockets or, worse still, had applied to private foundations for the necessary funds. The Commission should help to remedy that situation.

82. Mr. Suk Jo LEE (Republic of Korea) said that his delegation attached great importance to the Sub-Commission's work. At its latest session, the Sub-Commission had focused on the rights of such vulnerable groups as women, children and indigenous peoples and had adopted a number of resolutions reflecting those concerns, initiatives that his delegation welcomed.

83. By its resolution 1993/24, the Sub-Commission had decided to entrust to a Special Rapporteur the task of undertaking an in-depth study on the situation of systematic rape, sexual slavery and slavery-like practices during wartime. His delegation supported that resolution, which had been submitted for the Commission's endorsement as draft decision 2, entitled "Slavery and slavery-like practices during wartime". The Commission should devote special attention to the subject, which had become one of the most serious concerns of the international community, in light of the repeated violence against women during wartime.

84. His delegation took due note of the section of the preparatory document concerning the background for the study submitted by the Special Rapporteur (E/CN.4/Sub.2/1993/44) and in particular the reference to the continued deleterious effects suffered by Chinese, Dutch, Filipino, Indonesian and Korean women who had been forced into sexual slavery during the Second World War. His delegation was prepared to cooperate with the Special Rapporteur in carrying out her mandate in that regard.

85. Mr. LIU Xinsheng (China) said that the Sub-Commission must pay greater attention to the right to development, to the economic, social and cultural rights of the peoples of the developing countries and to the provision of studies and expert advice to solve the more practical difficulties facing those countries. The Working Group on the Right to Development had been established in accordance with the relevant Commission resolutions, and his delegation hoped that the Sub-Commission would provide more effective and useful assistance in that regard.

86. On the whole, the work of the Sub-Commission had been in keeping with its mandate; most expert members, and notably Mrs. Erica-Irene A. Daes, Chairman-Rapporteur of the Working Group on Indigenous Populations, had made a great contribution to the human rights activities of the Commission and the Economic and Social Council. That lady fully merited the 1993 Human Rights Prize awarded to her by the Secretary-General.

87. However, certain abnormal phenomena persisted in the Sub-Commission, which hampered the effective discharge of its mandate and tarnished its reputation. Firstly, some members of the Sub-Commission still maintained the practice of politicizing human rights issues and applying the double standards and selectivity inherited from the cold war period. In violation of the basic principle of fairness and objectivity, they made unfounded comments on the internal affairs of certain countries.

88. Secondly, there was too much duplication of agenda items between the Sub-Commission and the Commission. That not only led to repetition and a waste of resources, but also weakened the ability of the Commission to deal with serious violations of human rights and diverted the Sub-Commission's attention from its professional studies and advisory work. Except for the common concern about massive and flagrant violations of human rights and the necessary links between the activities of the two bodies, the Commission and the Sub-Commission should each have, as far as possible, its own focus of deliberations.

89. Thirdly, the Sub-Commission was currently engaged in too many studies and special reports, some of which had been continuing for years. Those projects should be brought into line with the principle of rationalization and reform.

90. The draft resolution entitled "Situation in Tibet", engineered by certain Western experts at the Sub-Commission's forty-fifth session, had, of course, been rejected by most members of the Sub-Commission, as it seriously violated the principles and purposes of the United Nations Charter and interfered in China's internal affairs.

91. Mr. WEISSBRODT (United States of America) said that the Sub-Commission had made a promising start two years previously on reforming its methods of work, but those reforms had not been adequately implemented. Historically, its most impressive role had been in helping draft important human rights standards, particularly those forbidding discrimination, but it had devoted less attention to the other part of its mandate, namely, the protection of minorities.

92. As recent events had shown, minority rights had become a difficult and dangerous challenge for the world community, and the United Nations should put much greater emphasis on problems affecting minorities throughout the world. One promising step had been taken by the Sub-Commission in that one of its members had prepared a study of minority rights that the Commission currently had before it (E/CN.4/Sub.2/1993/34 and Add.1-4). Mr. Eide should be encouraged to continue his work, but much remained to be done.

93. The Sub-Commission should, for example, conduct more specific studies on the linguistic rights of minorities and on government structures for protecting minorities and should review developments related to the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and its implementation.

94. His delegation encouraged the Sub-Commission to continue its important role in initiating implementation procedures, which had become the mainstay of human rights protection in the United Nations. The thematic procedures stemming from the Sub-Commission had saved lives and protected many persons against abuse.

95. At its current session, the Commission would receive from the Sub-Commission final reports on five important studies. Owing to its accessibility, the Sub-Commission gave rise to ideas and reports that were sometimes experimental and occasionally yielded no results. But the price of innovation might be a certain amount of inefficiency and ill-considered action.

96. The unique degree of freedom given the Sub-Commission must, however, be accompanied by the duty to pursue its work responsibly and carefully. Unfortunately, the Sub-Commission frequently did not have sufficient time to consider all the reports it generated. The guidelines established at its 1992 session to improve the quality of the studies and the discussion of the reports had limited the number of studies to 13, yet annex V of the

Sub-Commission's current report (E/CN.4/1994/2) listed a total of 19. The Sub-Commission would be more productive if it had fewer studies on its agenda and if its work were more prioritized.

97. One guideline had called for the designation of members of the Sub-Commission as commentators on studies, so as to improve the quality of the discussion on the reports. Relatively few of the studies had benefited from that approach, which should be followed more rigorously.

98. The United Nations had completed the work of drafting the most important human rights treaties, and only more detailed and specific instruments might still be needed. Not all the current and proposed studies appeared to focus on significant human rights problems and some of them duplicated efforts more appropriately handled elsewhere in the United Nations system.

99. The failures and successes of the Sub-Commission's 1993 session highlighted the need for the Sub-Commission to implement its own guidelines. In the future, the reform efforts must be strictly observed and others must be formulated. The limit on studies must be strictly applied.

100. The tense atmosphere at the 1993 session revealed the need for genuine human rights experts to serve on the Sub-Commission: all too often, its members lacked adequate expertise, were insufficiently independent of their Governments, did not work in a spirit of collegiality and did not have a visible commitment to the protection of human rights. When electing Sub-Commission members at its current session, the Commission should bear those considerations in mind.

101. Mr. MARUYAMA (Japan) said that the Sub-Commission's contributions to the work of the Commission had been possible largely because of its unique character as a body of independent and highly qualified experts. There had, however, been cases where its proposals had not been practical or efficiently organized. It was the responsibility of the Commission constantly to evaluate the Sub-Commission's work and indicate what direction it should take. His delegation welcomed the cooperation between the two bodies on reforming the Sub-Commission, which should be a continuing process.

102. In evaluating the Sub-Commission's work, the Commission should give particular consideration to the desirability and the quality of each study, the avoidance of duplication and the effective management of working groups. Each study must be assessed to see whether it made a real contribution to the Commission's work. Furthermore, the Sub-Commission's efforts should not be academic in nature, but should take a form that could lead to concrete activities for the effective promotion of human rights.

103. His delegation had found an imbalance in the treatment of special rapporteurs in particular with regard to the assistance given to them. As such assistance had to come from within the limited means of the United Nations budget, it was important for resources to be allocated on a fair and impartial basis, with the effectiveness of activities in mind. The Commission must consider carefully the necessity of financial assistance, especially for those activities requiring additional financial support. His delegation had doubts about the seminars, expert meetings or assistance from

consultants, which were proposed occasionally by special rapporteurs, since they themselves had been appointed as the experts in the field in question.

104. Concerning draft decision 3 submitted to the Commission, his Government welcomed the Sub-Commission's study on the right to a fair trial; securing that right was essential to protecting human rights. The Commission itself should consider the advisability of elaborating an optional protocol to the International Covenant on Civil and Political Rights on the subject and, if necessary, should set up an open-ended working group to deliberate on the draft text submitted by the Sub-Commission.

105. Ms. FEARNLEY (Observer for New Zealand) said that her Government had welcomed the decision by the General Assembly to declare an International Decade of the World's Indigenous People. Preparations for and implementation of the Decade must be undertaken in full and continuous collaboration with the indigenous peoples themselves.

106. Her delegation was grateful to the Assistant-Secretary-General for Human Rights for the role he had played in the recently concluded International Year of the World's Indigenous People and welcomed his appointment as Coordinator of the Decade. It hoped that the lessons learned in the course of the International Year would not be forgotten. The report of the Reconvened Technical Meeting on the International Year (E/CN.4/1994/86) was a rich source of practical suggestions that should be mined in planning the Decade, an event that would place a heavy burden on the Centre for Human Rights. There was currently an alarming disparity between the responsibilities which the Member States laid upon the Centre and the resources which they made available to it. That was true across the board and in the area of indigenous issues also.

107. Her delegation thus welcomed the Assistant-Secretary-General's move to establish points of expertise within the Centre and favoured the establishment of a focal unit to deal with the range of indigenous matters which were the Centre's responsibility. Such a unit must have the resources needed to carry out its mandate, in particular with regard to the requirements of the Decade. High priority should be given to securing human resources and providing the unit with adequate data-processing, communication and documentation capacity.

108. The Working Group on Indigenous Populations would have the daunting task of submitting elements of a programme of action for the Decade. It was essential to address achievable objectives; that meant directing activities in a carefully focused manner.

109. Her Government backed the call by the General Assembly for all the relevant organizations of the United Nations system to increase their efforts to take special account of the needs of indigenous peoples, particularly in budgeting and programming. It supported the establishment of well-resourced focal points within the relevant United Nations organizations and commended the Assistant-Secretary-General on the steps he had already taken to fulfil his mandate as Coordinator.

110. In the past, contributions to the Voluntary Funds for Indigenous Populations and for the International Year had come from a relatively small number of Member States, one of which was her own. It was to be hoped that the Fund for the Decade would attract a larger number of contributors.

111. The Decade also provided an opportunity for partnership between indigenous peoples and Governments. That aspect was of particular importance to New Zealand, a country built on a treaty, the Treaty of Waitangi, which was the basis for the partnership relationship between the Maori, the indigenous people of Aotearoa/New Zealand, and those who had settled there.

112. The United Nations should aim for a wide dissemination of information on the Decade and its objectives at the national level. Non-governmental activity would be vital in underpinning the Decade's success. Her Government had been taking steps to ensure that the goals of the Decade were well understood by the indigenous people of New Zealand. Consideration was also being given to the most appropriate way of celebrating the Decade in her country.

113. It was important to have a permanent forum in the United Nations where indigenous peoples could discuss the questions affecting them and alert Governments and the United Nations to their concerns. The twelfth session of the Working Group on Indigenous Populations would provide an excellent opportunity for the indigenous peoples and Government, to begin a dialogue on the establishment of such a forum.

114. Her delegation expressed its gratitude to Mrs. Erica-Irene A. Daes for the valuable contribution she had made as the Chairman-Rapporteur of the Working Group on Indigenous Populations; congratulated the Working Group on completing, at its eleventh session, the second reading of the draft declaration on the rights of indigenous peoples, and hoped that the Sub-Commission would submit that draft for consideration by the Commission at its fifty-first session.

115. Her Government welcomed the renewal and broadening of the mandate of the Special Rapporteur on the protection of the cultural and intellectual property of indigenous peoples. The Working Group would have a valuable contribution to make in that area also.

The meeting rose at 1.05 p.m.